BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT
DATED: 02.09.2022
CORAM
THE HONOURABLE MR. JUSTICE V.SIVAGNANAM
CRL.O.P (MD) No.15817 of 2022
1. Asan Kuthus @ Asan Kuthoos
2. Nagoor @ Nagoor Meeran Mudaideen
3. Nasim @ Syed Naseem ...Petitioners/A~1 to 3
.vs.
1. The Deputy Superintendent of Police
Rameshwaram,
Ramanathapuram District.

2. The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.
(Crime No.143 of 2022) ...R~1 & R~2/Complainants

3. Muniyasamy ...R~3/Defacto complainant

PRAYER: Criminal Original Petition filed under Section 482 of Cr.P.C, praying to direct the learned Sessions Judge and Special Judge for SC/ST Act Cases(PCR), Ramanathapuram to consider the bail application of the petitioners on the same day of their surrender in Crime No.143/2022 on the file of the second respondent herein.

For Petitioners : Mr.T.Veerakumar
For Respondents : Mr.A.Albert James
No.1 and 2 Government Advocate(Crl.Side)

O R D E R
This Criminal Original Petition has been filed for a direction to direct the learned Sessions Judge and Special Judge for SC/ST Act Cases(PCR), Ramanathapuram to consider the bail application of the petitioners on the same day of their surrender in Crime No.143/2022 on the file of the second respondent herein.

2. The learned counsel appearing for the petitioners submitted that the third petitioner herein/A~3 was arrested and he seek permission of this Court to withdraw this petition for A~3 alone.

3. In view of the submission made by the learned counsel appearing for the petitioner, this Petition is dismissed as withdrawn against A~3 alone.

4. In view of the specific bar under Section 18 of the Scheduled Castes and Scheduled Tribes (Prevention of Atrocities) Act, 1989 and also taking into consideration the possibility of misusing the pious intention of the Parliament against innocent persons, there shall be a direction to the

learned Sessions Judge and Special Judge for SC/ST Act Cases(PCR), Ramanathapuram, to consider the petitioners/A~1 & A~2 bail application, preferably on the same day of their surrender in connection with Crime No. 143 of 2022 on the file of the second respondent and pass appropriate orders, in accordance with law, after affording due opportunity to the victim under Section 15(a) of the SC/ST Act. The petitioners/A~1 & A~2 shall surrender before the concerned jurisdictional Court, within a period of fifteen days, from the date of the receipt of a copy of this Order.

5. It is needless to say that the Court below while disposing the bail petition shall look into the gravity of the offence, previous antecedents of the petitioner and pass orders. Mere direction issued by this Court to consider the bail petition on the same day, does not amount to consider it favourably.

6. With the above direction, this Criminal Original Petition is partly allowed.

02.09.2022
Internet:Yes./No
Index:Yes/no
ksa

Note: Issue order copy on 05.09.2022

To

1. The Sessions Judge and Special Judge
for SC/ST Act Cases(PCR),
Ramanathapuram.

2. The Deputy Superintendent of Police
Rameshwaram,
Ramanathapuram District.

3. The Inspector of Police,
Pamban Police Station,
Ramanathapuram District.

4. The Additional Public Prosecutor,
Madurai Bench of Madras High Court,
Madurai.

V.SIVAGNANAM, J.

ksa

ORDER IN
CRL.O.P (MD) No.15817 of 2022

02.09.2022